

S.C.R. 106
S.C.R. 107
S.B. 298
S.B. 412
S.B. 473
S.B. 206
S.B. 257
S.B. 443
S.B. 472
S.B. 491
S.B. 641

FIFTY-EIGHTH DAY
(Wednesday, April 24, 1985)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Washington, Whitmire, Williams.

Absent-excused: Lyon.

A quorum was announced present.

Senator Bill Sarpalius offered the invocation as follows:

Dear Lord we thank You for the opportunity to be here today. We thank You for this beautiful weather and for all the many blessings You have given each one of us. Watch over and guide us and help us always to be an example for You. Guide us with Your wisdom on the decisions that we make on a day to day basis. In Your most precious name we pray. Amen.

On motion of Senator Mauzy and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Lyon was granted leave of absence for today on account of important business on motion of Senator Mauzy.

MESSAGE FROM THE HOUSE

House Chamber
April 24, 1985

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 115, Granting Mission Insurance Group, Inc. permission to sue the state.

H.B. 1593, Relating to an increase in various fees collected by certain state agencies and to the imposition of new fees in connection with functions of certain state agencies.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORTS OF STANDING COMMITTEES

Senator Traeger submitted the following report for the Committee on Intergovernmental Relations:

S.B. 615
S.B. 716
S.B. 1059
S.B. 947
S.B. 1135
C.S.S.B. 1074
C.S.S.B. 1364

Senator Caperton submitted the following report for the Committee on Criminal Justice:

H.B. 393
S.B. 709
S.B. 1045 (Amended)
S.B. 1348
S.B. 1349
S.B. 1292
C.S.S.B. 744
C.S.S.B. 581
C.S.S.B. 99

Senator Harris submitted the following report for the Committee on Economic Development:

C.S.S.B. 46

Senator Mauzy submitted the following report for the Committee on Jurisprudence:

C.S.S.C.R. 111
C.S.S.C.R. 108
C.S.S.C.R. 109
C.S.S.C.R. 110
S.C.R. 84
H.C.R. 122
H.C.R. 101
H.C.R. 91
H.C.R. 90
H.C.R. 85
H.C.R. 72
H.C.R. 53
S.B. 344
H.B. 149
S.B. 931
S.B. 798

S.B. 1280
S.B. 935
S.B. 382
S.B. 910
C.S.S.B. 922
C.S.S.B. 909
C.S.S.B. 421
C.S.S.B. 1012
C.S.S.B. 870
C.S.S.B. 278

Senator Parker submitted the following report for the Committee on Education:

H.B. 508
H.B. 267
H.B. 156
S.B. 208
S.B. 827
S.B. 700 (Amended)
S.B. 1293
S.B. 884 (Amended)
S.B. 711 (Amended)
C.S.H.B. 1393
C.S.S.B. 840
C.S.S.B. 1058
H.B. 1543

Senator Jones submitted the following report for the Committee on Finance:

C.S.S.B. 331

Senator Howard submitted the following report for the Committee on Nominations:

TO THE SENATE OF THE SIXTY-NINTH LEGISLATURE,
REGULAR SESSION:

We, your Committee on Nominations, to which were referred the attached appointments, have had same under consideration, and beg to report them back to the Senate for final consideration.

To be a Member of the STATE BOARD OF INSURANCE: David H. Thornberry, Travis County.

To be DIRECTOR OF THE OFFICE OF STATE-FEDERAL RELATIONS: John Hanson, Travis County.

To be Members of the TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY: Jarman Bass, Dallas County; Dwight L. Kinard, Taylor County; Rowland D. (Pat) Pattillo, McLennan County.

To be a Member of the ANTIQUITIES COMMITTEE: William Clark Griggs, Harris County.

To be Members of the BOARD OF DIRECTORS, RED RIVER AUTHORITY: Alvin L. Barnes, Wichita County; Charles Moorehead, Hemphill County.

To be DISTRICT ATTORNEY, 64th JUDICIAL DISTRICT, HALE AND SWISHER COUNTIES: Terry D. McEachern, Swisher County.

S.B. 309

S.B. 374**S.B. 662****GUEST PRESENTED**

Senator Caperton was recognized and introduced Dr. Robert Cummings of Taylor, the Capitol Physician for the Day.

The Senate expressed their appreciation to Dr. Cummings for his service.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas

April 23, 1985

**TO THE SENATE OF THE SIXTY-NINTH LEGISLATURE,
REGULAR SESSION:**

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE RADIATION ADVISORY BOARD:

For a term to expire April 16, 1989:

RUSSELL F. CASH

3219 Pasadena Blvd.

Pasadena, Texas 77503

(Mr. Cash is replacing Mr. Frank L. Paschal, Jr. of El Paso, El Paso County, Texas, whose term expired.)

TO BE A MEMBER OF THE COMMISSION ON JAIL STANDARDS:

For a term to expire January 31, 1991:

THE HONORABLE JOE CORLEY

Sheriff

Montgomery County Courthouse

Conroe, Texas 77301

(Sheriff Corley is replacing Sheriff Dallas L. Smith, Jr. of Midland, Midland County, Texas, whose term expired.)

**TO BE A MEMBER OF THE TEXAS BOARD OF
PHYSICAL THERAPY EXAMINERS:**

For a term to expire January 31, 1991:

PATRICIA K. WINCHESTER

Post Office Box 806

Midlothian, Texas 76065

(Ms. Winchester is replacing Mr. Thomas K. Waugh of El Paso, El Paso County, whose term expired.)

TO BE A MEMBER OF THE DAIRY ADVISORY BOARD:

For a term to expire December 31, 1986:

J. FRED DAVIS

P. O. Drawer D

Haslet, Texas 76052

(Mr. Davis is being appointed to this authority pursuant to V.T.C.A. Agriculture code, section 13.202, Sixty-Second Legislature, Regular Session.)

TO BE A MEMBER OF THE TEXAS STATE BOARD OF
PUBLIC ACCOUNTANCY:

For a term to expire January 31, 1991:

NANCY BRANNON

1533 Carnation

Lewisville, Texas 75067

(Mrs. Brannon is replacing Mr. Joel P. Kay of Houston, Harris County, Texas, whose term expired.)

TO BE ON THE BOARD OF DIRECTORS FOR COASTAL INDUSTRIAL
WATER AUTHORITY:

For a term to expire March 31, 1987:

WALLACE CLAYPOOL

9 Twin Circle

Houston, Texas 77042

(Mr. Claypool is replacing Mr. John Fonteno, Jr. of Houston, Harris County, Texas, whose term expired.)

TO BE A MEMBER OF THE REAL ESTATE RESEARCH ADVISORY
COMMITTEE:

For a term to expire January 31, 1987:

DAVID L. FAIR

4200 St. Johns Dr.

Dallas, Texas 75205

(Mr. Fair is replacing The Honorable James Rick Perry of Haskell, Haskell County, Texas, who resigned.)

TO BE THE PUBLIC UTILITY COUNSEL:

For a term to expire February 1, 1987:

JAMES G. BOYLE

3804 Clawson Road

Austin, Texas 78704

(Mr. Boyle is being reappointed.)

Respectfully submitted,

/s/Mark White

Governor of Texas

SENATE BILL 618 WITH HOUSE AMENDMENT

Senator Sharp called S.B. 618 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.
Committee Amendment No. 1

Amend S.B. 618 as follows:

- (1) On page 1, line 25, strike "operating under this chapter".
- (2) On page 2, strike lines 6 through 12 and substitute the following:

"(b) This subchapter is cumulative of other laws governing municipal utility districts and is not limited by a provision of any other law. This subchapter provides complete authority to a municipal utility district to develop and maintain recreational facilities."

(3) On page 2, line 20, strike "to develop and maintain" and substitute "for the purpose of developing and maintaining".

(4) On page 3, strike line 14 and substitute the following: purposes. In order to prevent the duplication of recreational facilities provided by other governmental entities, rules adopted by the board pursuant to this subsection shall require a district prior to developing recreational facilities, to make findings that the size and location of the facilities have been established in consideration of municipal or county recreational facilities, whether existing or proposed, serving the area in which the district is located."

The amendment was read.

Senator Sharp moved to concur in the House amendment.

The motion prevailed.

SENATE BILL 745 WITH HOUSE AMENDMENT

Senator Farabee called S.B. 745 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.
Committee Amendment to S.B. 745 - Stiles

Amend SECTION 1., Sec. 35.4051 (3) and SECTION 2., Sec. 36.2021 (3) to read as follows:

(3) "Noneducational and general funds" means all funds of an institution of higher education except those funds used as a method of financing for an institutional appropriation in the General Appropriations Act or dedicated by the Constitution of the State of Texas.

The amendment was read.

Senator Farabee moved to concur in the House amendment.

The motion prevailed.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Howard gave notice that he would tomorrow at the conclusion of Morning Call submit to the Senate for consideration nominations to agencies, boards and commissions of the State.

NOTICE OF SESSION TO HOLD LOCAL AND UNCONTESTED BILLS CALENDAR

Senator Blake announced that a Local and Uncontested Bills Calendar had been placed on the Members' desks and gave notice that a Local and Uncontested Bills Calendar would be held at 8:30 o'clock a.m. on Thursday, April 25, 1985, and that all bills and resolutions would be considered on second and/or third reading in the order in which they are listed.

SENATE BILL 1228 ON SECOND READING

On motion of Senator Mauzy and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1228, Relating to adoption of a nonsubstantive revision of the statutes relating to the judiciary.

The bill was read second time.

Senator Mauzy offered the following amendment to the bill:

Committee Amendment No. 1

Amend **S.B. 1228** on page 911 by inserting a new Section 25 to read as follows and renumbering current Sections 25-28 accordingly:

SECTION 25. If the proposed Civil Practice and Remedies Code is enacted by the 69th Legislature, Regular Session, and becomes law, Section 28.011, Government Code, is amended to read as follows:

Sec. 28.011. VENUE. An action in small claims court must be brought in the county and precinct in which the defendant resides, except that:

(1) an action on an obligation that the defendant has contracted to perform in a certain county may be brought in that county; and

(2) an action for which venue is proper under Section 15.069, Civil Practice and Remedies Code [Article 2392, Revised Statutes], may be brought as provided by that section [article]. (V.A.C.S. Art. 2460a, Sec. 3.)

The amendment was read and was adopted.

On motion of Senator Mauzy and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 1228 ON THIRD READING

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1228** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Lyon.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 616 ON SECOND READING

On motion of Senator Edwards and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 616, Relating to the adoption of an election code; making conforming amendments and repeals; providing penalties.

The bill was read second time.

Senator Washington offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 616** on page 11, lines 37 and 38, and on page 14, lines 23 and 24, by striking "and at least five calendar years have elapsed from the date of the receipt or completion".

The amendment was read.

On motion of Senator Henderson, the amendment was tabled by the following vote: Yeas 16, Nays 14.

Yeas: Blake, Brown, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, McFarland, Montford, Parmer, Sharp, Sims, Traeger.

Nays: Barrientos, Brooks, Caperton, Edwards, Farabee, Mauzy, Parker, Santiesteban, Sarpalius, Truan, Uribe, Washington, Whitmire, Williams.

Absent-excused: Lyon.

Senator Brooks offered the following amendment to the bill:

Floor Amendment No. 2

Amend C.S.S.B. 616 on page 11, lines 37 and 38, and on page 14, lines 23 and 24, by striking the word "five" and substituting in lieu thereof the word "two."

The amendment was read and was adopted by the following vote: Yeas 16, Nays 13.

Yeas: Barrientos, Brooks, Caperton, Edwards, Farabee, McFarland, Mauzy, Parker, Parmer, Santiesteban, Sarpalius, Truan, Uribe, Washington, Whitmire, Williams.

Nays: Blake, Brown, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Montford, Sharp, Sims, Traeger.

Absent: Glasgow.

Absent-excused: Lyon.

On motion of Senator Edwards and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 616 ON THIRD READING

Senator Edwards moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 616 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent: Glasgow.

Absent-excused: Lyon.

The bill was read third time and was passed.

SENATE BILL 578 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 578, Relating to the implementation of Section 17(d), Article VII, Texas Constitution; providing for the allocation by equitable formula of the annual appropriation made under Section 17(a), Article VII, Texas Constitution, to the governing boards of eligible agencies and institutions of higher education; adding a new Chapter 60 to Title 3, Texas Education Code; and declaring an emergency.

The bill was read second time.

Senator Parker offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend S.B. 578 by striking the first and second sentences of Subsection (a), Section 60.021, Education Code, as added by the bill, and substituting the following:

Each fiscal year, an eligible institution is entitled to receive an amount allocated in accordance with this section from funds appropriated by Section 17(a), Article VII, Texas Constitution. The comptroller of public accounts shall distribute funds allocated under this subsection only on presentation of a claim and issuance of a warrant in accordance with Article 4357, Revised Statutes. The comptroller may not issue a warrant for funds allocated under this subsection before the delivery of goods or services for an authorized project except for the payment of principal of or interest on bonds. The allocation of funds under this subsection is made in accordance with an equitable formula consisting of the following elements: space deficit, facilities condition, institutional complexity, separate allocation for medical units, and additional allocation for compliance with the Texas Desegregation Plan.

The committee amendment was read and was adopted.

Senator Parker offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend S.B. 578 by deleting all references to the number 60 and replacing with a 62 so that this legislation establishes a new Chapter 62 under Title III, Texas Education Code.

The amendment was read and was adopted.

Senator Parker offered the following committee amendment to the bill:

Committee Amendment No. 3

Amend S.B. 578 Section 60.021, Education Code, by adding the following:

"All funds appropriated by Section 17, Article VII, Texas Constitution, but not expended during the fiscal year of appropriation, shall be carried forward and reappropriated for each of the succeeding fiscal years until expended by the governing boards of eligible institutions for the purposes described in Section 17, Article VII, Texas Constitution."

The amendment was read and was adopted.

On motion of Senator Parker and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 578 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 578 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent: Glasgow.

Absent-excused: Lyon.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent: Glasgow.

Absent-excused: Lyon.

COMMITTEE SUBSTITUTE SENATE BILL 1158 ON SECOND READING

On motion of Senator Caperton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1158, Relating to a supplemental appropriation to the Texas Transportation Institute for certain construction projects.

The bill was read second time.

Senator Caperton offered the following amendment to the bill:

Amend **S.B. 1158** by deleting Section 2. and replacing with the following:

“SECTION 2. The source of funds appropriated in Section 1 are from the unexpended unencumbered balance in item 9.f. Purchased Utilities, Texas A&M University, Sixty-eighth Legislature.”

The amendment was read and was adopted.

On motion of Senator Caperton and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1158 ON THIRD READING

Senator Caperton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1158** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent: Glasgow.

Absent-excused: Lyon.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent: Glasgow.

Absent-excused: Lyon.

SENATE BILL 1169 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1169, Relating to the creation, establishment, administration, powers, and duties of the Texas National Research Laboratory Commission.

The bill was read second time.

Senator Farabee offered the following amendment to the bill:

Amend **S.B. 1169** by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. POLICY. It is the determination, policy, and intent of the legislature that the purpose of the Texas National Research Laboratory Commission is to develop a comprehensive plan for the presentation of a proposal for the Superconducting Super Collider high-energy research facility that is sponsored, authorized, and funded by the United States government. It is the intent of the legislature that the Texas National Research Laboratory Commission act on behalf of the state to formulate and present the proposal for consideration by the United States government.

SECTION 2. TEXAS NATIONAL RESEARCH LABORATORY COMMISSION. The Texas National Research Laboratory Commission is created as an agency of the state.

SECTION 3. MEMBERS OF COMMISSION; APPOINTMENT. (a) The commission is composed of nine members, who are appointed by the governor with the advice and consent of the senate. All members shall be residents of this state at the time of their appointment.

(b) Included on the commission shall be two scientists who are members of a nationally recognized scientific academy, board, or association; not more than three board members shall be members of the faculty or administration of an institution of higher education in this state. To the maximum extent possible, members of the commission should be representative of all geographic areas of the state.

SECTION 4. TERMS; OFFICERS; COMPENSATION. (a) Members shall serve for a period of six years. The governor shall designate three members whose terms shall expire on February 1, 1987; three members whose terms shall expire on February 1, 1989; three members whose terms shall expire on February 1, 1991. Upon the death, resignation, or other inability of a commission member to serve, the governor shall appoint a successor to serve the remainder of that unexpired term.

(b) The governor shall appoint a chairman, vice-chairman, and secretary all of whom shall serve in such positions at the pleasure of the governor.

(c) Members shall serve without compensation, but shall receive reimbursement for all actual and necessary expenses incurred for attendance at commission meetings or while performing other official duties of the commission.

SECTION 5. DUTIES AND AUTHORITY OF THE COMMISSION. (a) The commission shall serve as the coordinating unit and shall be an authority within the state for the formulation of the siting proposal on behalf of the state for the Superconducting Super Collider research facility which is sponsored, authorized, and funded by the United States government. The commission shall take affirmative steps to coordinate fully all aspects of the development of the plan or proposal with other state, federal, and local agencies and institutions of higher education charged with the development of and interest in locating the scientific research facility in this state. Other state agencies and local governmental entities in this state shall cooperate to the fullest extent possible to effectuate the duties of the commission.

(b) The commission shall have the right to enter any interagency contract with any other agency of the state or with any private agency, college, university, corporation, partnership, or association for any appropriate purpose in connection with the performance of its duties. Such contracts may include but are not limited to contracts, studies, investigations, and proposals necessary to conduct its duties.

(c) The commission has the power of eminent domain to acquire for the use of the commission, in fee simple, title to real property that may be necessary and proper for carrying out its purposes in the manner prescribed in Section 21, Property Code.

(d) The commission may apply for, request, solicit, contract for, and receive and accept money and other assistance from any source, whether public or private, that is necessary to conduct its duties.

SECTION 6. EXECUTIVE DIRECTOR. (a) The executive director of the commission shall be appointed by the commission.

(b) The executive director is entitled to be reimbursed for expenses and travel in accordance with the General Appropriations Act.

SECTION 7. APPLICATION OF SUNSET ACT. The commission is subject to the Sunset Act (Article 5429k, Vernon's Texas Civil Statutes). Unless continued in existence as provided by that Act, the commission is abolished and this Act expires September 1, 1991.

SECTION 8. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted.

On motion of Senator Farabee and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 1169 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 1169 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent: Glasgow.

Absent-excused: Lyon.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent: Glasgow.

Absent-excused: Lyon.

COMMITTEE SUBSTITUTE HOUSE BILL 632 ON SECOND READING

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 632, Relating to the admissibility of evidence seized pursuant to a governmental action.

The bill was read second time.

Senator Washington offered the following amendment to the bill:

Amend C.S.H.B. 632, SECTION 1. Article 38.23 (2) by striking the present wording and substituting instead:

(2) the evidence was obtained in violation of the Constitution of the United States and the construction thereof, and the manner in which the evidence was

~~obtained makes the evidence inadmissible. [No evidence obtained by an office or other person in violation of any provisions of the Constitution or laws of the State of Texas, or of the Constitution or laws of the United States of America, shall be admitted in evidence against the accused on the trial of any criminal case].~~

The amendment was read and was adopted.

On motion of Senator Brown and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

COMMITTEE SUBSTITUTE HOUSE BILL 632 ON THIRD READING

Senator Brown moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.H.B. 632 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent: Glasgow.

Absent-excused: Lyon.

The bill was read third time and was passed.

SENATE BILL 1247 ON SECOND READING

Senator Leedom asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 1247, Amending Section 55, Public Utility Regulatory Act (Article 1446c, Vernon's Texas Civil Statutes) by adding a new subsection (e); relating to the provision of retail electric utility service in certain areas once or currently served by more than one electric retail public utility holding a certificate of public convenience and necessity.

There was objection.

Senator Leedom then moved to suspend the regular order of business and take up S.B. 1247 for consideration at this time.

The motion prevailed by the following vote: Yeas 19, Nays 9.

Yeas: Barrientos, Blake, Brown, Edwards, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, McFarland, Parmer, Santiesteban, Truan, Uribe, Washington, Whitmire, Williams.

Nays: Brooks, Caperton, Farabee, Mauzy, Montford, Sarpalius, Sharp, Sims, Traeger.

Absent: Glasgow, Parker.

Absent-excused: Lyon.

The bill was read second time and was passed to engrossment.

RECORD OF VOTES

Senators Brooks, Mauzy, Sharp, Sims and Traeger asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**MOTION TO PLACE
SENATE BILL 1247 ON THIRD READING**

Senator Leedom moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 1247 be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 19, Nays 9. (Not receiving four-fifths vote of the Members present)

Yeas: Barrientos, Blake, Brown, Edwards, Farabee, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, McFarland, Parmer, Santiesteban, Truan, Uribe, Whitmire, Williams.

Nays: Brooks, Caperton, Mauzy, Montford, Sarpalius, Sharp, Sims, Traeger, Washington.

Absent: Glasgow, Parker.

Absent-excused: Lyon.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 333 - By Glasgow: Extending welcome to Millsap High School students.

S.R. 335 - By Brown: Extending welcome to Dr. Buckner Fanning.

S.R. 336 - By Henderson: Extending congratulations to Christopher Carlsson.

S.R. 337 - By Caperton: Extending welcome to Dr. Robert Cummings, Capitol Physician for the Day.

RECESS

On motion of Senator Mauzy, the Senate at 12:32 o'clock p.m. took recess until 8:30 o'clock a.m. tomorrow.

**FIFTY-EIGHTH DAY
(Continued)
(Thursday, April 25, 1985)**

AFTER RECESS

The Senate met at 8:30 o'clock a.m. and was called to order by Senator Blake.

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Blake in Chair) announced that the time had arrived for consideration of the Local and Uncontested Bills Calendar.

The regular order of business having been suspended by provisions of S.R. 8, adopted by the 69th Legislature, the following bills/resolutions were laid before the Senate, read second time, passed to engrossment/third reading, read third time and passed: (Sponsor, vote on Constitutional Three-day Rule and final passage indicated after caption of each bill).

S.C.R. 97 (Truan) Requesting assistance of the U.S. Coast Guard in policing offshore rig and shipping operations for dumping litter. (vv)

S.C.R. 98 (Truan) Urging the Environmental Protection Agency through permit requirements to prohibit discharges of solid waste from oil and gas exploration. (vv)